

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**CONSOLIDATED INDUSTRIES, LLC
d/b/a WEATHER KING PORTABLE
BUILDINGS,**

Plaintiff,

v.

**JESSE A. MAUPIN, BARRY D.
HARRELL, ADRIAN S. HARROD,
LOGAN C. FEAGIN, STEPHANIE L.
GILLESPIE, RYAN E. BROWN, DANIEL
J. HERSHBERGER, BRIAN L. LASSEN,
ALEYNA LASSEN, and AMERICAN
BARN CO., LLC,**

Defendants.

Civil Action No. 1:22-cv-01230-STA-jay

**ORDER GRANTING THE ABCO DEFENDANTS' UNOPPOSED MOTION TO
BIFURCATE TRIAL REGARDING PUNITIVE DAMAGES**

Before the Court is a Motion to Bifurcate Trial Regarding Punitive Damages (ECF No. 244) filed by Defendants Jesse A. Maupin, Barry D. Harrell, Adrian S. Harrod, Logan C. Feagin, Stephanie L. Gillespie, Ryan E. Brown, Daniel J. Hershberger, and American Barn Co., LLC (the "ABCO Defendants"). The ABCO Defendants request that the Court bifurcate the trial into separate phases for compensatory damages and punitive damages. Plaintiff Consolidated Industries, LLC does not oppose the Motion.

Rule 42(b) of the Federal Rules of Civil Procedure states, "The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any claim . . . or of any separate issue" Fed. R. Civ. P.

42(b); *see also Bridgeport Music, Inc. v. Justin Combs Pub.*, 507 F.3d 470, 481 (6th Cir. 2007). By statute, Tennessee law requires bifurcation where there is a claim for punitive damages. *Hudson, Holeyfield & Banks, G.P. v. MNR Hosp., LLC*, No. W2019-00123-COA-R3-CV, 2020 WL 4577483, at *10 (Tenn. Ct. App. Aug. 7, 2020) (citing Tenn. Code Ann. § 29–39–104). The second phase of the bifurcated trial occurs immediately after the first phase using the same jury. *Id.* at *8, *10–11. Federal courts sitting in diversity as the Court is here and applying Tennessee law have regularly bifurcated trials to address the amount of punitive damages separately. *VJ, LLC v. State Auto Prop. & Cas. Ins. Co.*, No. 14-2919, 2016 WL 11602001 at *13–14 (W.D. Tenn. Aug. 3, 2016) (collecting cases). Bifurcation helps to avoid jury confusion during the trial on liability and compensatory damages and the prejudice that could arise if evidence of a defendant’s financial condition is introduced during that first phase. *Id.* at *14.

The ABCO Defendants’ Unopposed Motion is **GRANTED**. The jury shall consider the issues of compensatory damages, if any, and punitive damages, if any, in separate phases. The Court notes that the ABCO Defendants also request, by separate motion, to bifurcate liability and damages as to Defendants Gillespie, Brown, and Hershberger, and that Plaintiff opposes this motion. The Court will make a separate determination of that motion, once the parties have completed their briefing.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: July 22, 2025